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# United States Senate

WASHINGTON, DC 20510

October 17, 2012

The Honorable Frank Kendall  
Under Secretary of Defense for Acquisition, Technology, and Logistics (AT&L)  
Department of Defense  
1400 Defense Pentagon  
Washington, DC 20301-1400

Dear Secretary Kendall:

I write to express my concern that the Department of Defense is not in compliance with the Berry Amendment which requires that, when possible, the Department purchase clothing made in the United States.

Recently, the *Air Force Times* chronicled the failure of one Air Force unit to fully comply with this important policy. Specifically, Master Sergeant Steve Adachi was unable to obtain American-made boots after having twice been issued Chinese-made ones. It was only following the *Air Force Times*' report that Master Sergeant Adachi was able to receive a pair of American-made boots.

In response to this article, an Air Force spokesperson purportedly stated that the Berry Amendment did not apply because the purchase had been under \$150,000 in value. This incident raises a number of critical questions:

- Do you believe that the Berry amendment provides waivers for the purchase of small amounts of clothing and boots costing less than \$150,000?
- If there is no such waiver for purchases under \$150,000, did the unit violate Department policy?
- What legal advice did the unit rely upon in making its determination?
- What steps will be taken to ensure future compliance with the Berry Amendment for all boot purchases?
- Please provide me with a listing of any Berry Amendment waivers granted for the purchase of boots during the past four years.
- Finally, do you believe that the Department possesses the legislative authority necessary to ensure that Berry Amendment is applied to the purchase of all boots?

It is vital that DoD abide by the Berry Amendment. Our servicemembers should not be given equipment manufactured in other countries when domestic options exist. Our men and women in uniform are fighting for their country, and deserve to fight in quality uniforms and boots that are made in the U.S.A.

I am deeply concerned that DoD is failing to adhere to the established policy, and I strongly ask that you take steps to ensure that the Department complies with the Berry Amendment.

Sincerely,



Sherrod Brown  
United States Senator